

AUG 15 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 08-89006

ORDER

KOZINSKI, Chief Judge:

A misconduct complaint has been filed against a magistrate judge. Complainant alleges that the subject judge signed a false search warrant and improperly detained him in jail while he awaited trial. Because these charges are directly related to the merits of the judge's rulings, they must be dismissed. 28 U.S.C. § 352(b)(1)(A)(ii); Misconduct Rule 4(c)(1). A complaint of judicial misconduct is not a proper vehicle for challenging a judge's rulings. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also contends that the judge was prejudiced against him and conspired with prosecutors to include false charges in the indictment. Complainant hasn't included any objectively verifiable proof, such as names of witnesses, recorded documents or transcripts, to support these allegations. Because there isn't sufficient evidence to raise an inference that misconduct occurred, these charges are dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Misconduct Rule 4(c)(3).

Finally, complainant raises allegations against the FBI agents who arrested him, but this complaint procedure applies only to federal judges. Misconduct Rule 1(d).

DISMISSED.